

EXHIBIT 5

**DECLARATION OF LEIF PETERSON IN SUPPORT OF HUAWEI'S OPPOSITION TO
SAMSUNG'S MOTION TO PARTIALLY EXCLUDE AND STRIKE**

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

- - - - - X
HUAWEI TECHNOLOGIES CO., LTD., :
HUAWEI DEVICE USA, INC., and HUAWEI :
TECHNOLOGIES USA, INC., :
Plaintiffs/Counterclaim :
Defendants, :
v. : Case No.
SAMSUNG ELECTRONICS CO., LTD., : 16-cv-02787-WHO
SAMSUNG ELECTRONICS AMERICA INC., :
Defendants/Counterclaim :
Plaintiffs. :
- - - - - X

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Videotaped Deposition of Gregory Leonard

Palo Alto, California

Wednesday, June 20, 2018

9:05 A.M.

Job No.: 193655

Pages: 1 - 266

Reported By: Michael P. Hensley, CSR No. 14114, RMR

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Transcript of Gregory Leonard

Conducted on June 20, 2018

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1 GREGORY LEONARD,
2 having been first duly sworn, was examined and testified
3 as follows:

4 EXAMINATION BY
5 COUNSEL FOR THE PLAINTIFFS/COUNTERCLAIM DEFENDANTS
6 BY MR. GIARDINA:

7 Q. Good morning. 09:06:21

8 A. Good morning. 09:06:21

9 Q. Could you say and spell your name for the record 09:06:22
10 please? 09:06:25

11 A. Sure. Gregory Leonard, G-r-e-g-o-r-y 09:06:25
12 L-e-o-n-a-r-d. 09:06:30

13 Q. Dr. Leonard, I know you've been through this 09:06:30
14 drill many, many times. If I ask you a question today 09:06:36
15 that you don't understand, will you let me know? 09:06:38

16 A. Sure. 09:06:39

17 Q. If you need a break at any point, just let us 09:06:40
18 know. Okay? 09:06:43

19 A. Okay. 09:06:44

20 Q. You are an economist and a partner with 09:06:44
21 Edgeworth Economics? 09:06:49

22 A. That's correct. 09:06:49

23 Q. How would you describe Edgeworth's line of 09:06:50
24 business? 09:06:53

25 A. It's an economic consulting firm. 09:06:53

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1 Q. Those are the only depositions that you reviewed 10:44:25
2 in connection with rendering the opinions you offered in 10:44:28
3 your opening report? 10:44:32

4 A. Depositions? It looks to be -- well, it looks 10:44:39
5 to be what's on this list. 10:44:47

6 Q. Okay. So I'll represent to you that all three 10:44:48
7 of those individuals are employees of Huawei. 10:44:52

8 So I take it, in connection with rendering the 10:44:55
9 opinions that you've offered in this opening report, you 10:44:57
10 didn't consider the deposition testimony of any of 10:45:00
11 Samsung's witnesses? 10:45:03

12 A. Unless it was omitted from that, then that would 10:45:08
13 be correct. 10:45:12

14 Q. Okay. And if we look at Exhibit A to the 10:45:16
15 rebuttal report, Exhibit 152 -- I misspoke, it's 10:45:20
16 Exhibit B to your rebuttal report. 10:45:25

17 A. Mm-hmm. 10:45:27

18 Q. If we look at page 3 of that. Again, now you've 10:45:28
19 got a slightly expanded list of the depositions that you 10:45:32
20 considered in rendering the opinions that you offered in 10:45:36
21 your rebuttal report. 10:45:39

22 A. Yeah. I hate to tell you, but I think the 10:45:41
23 appendices or whatever they're called, are not included 10:45:46
24 in what you gave for Exhibit 152. 10:45:50

25 MS. MAROULIS: That is the case with my copy as 10:45:51

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Transcript of Gregory Leonard

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1	Q.	Okay. And, now, just to close the loop on	11:03:09
2		something we were talking about prior to the break, if	11:03:13
3		you turn to page 3 of appendix B which lists -- lists	11:03:17
4		the materials you considered in connection with your	11:03:21
5		rebuttal report, you see it identifies the depositions	11:03:24
6		that you considered.	11:03:27
7	A.	Yes.	11:03:28
8	Q.	And it lists the same depositions that were	11:03:28
9		included in your opening report and adds the deposition	11:03:34
10		of Ms. NanFen Yu.	11:03:36
11		Do you see that?	11:03:40
12	A.	I do.	11:03:40
13	Q.	And I'll represent to you that Ms. Yu is also an	11:03:40
14		employee of Huawei.	11:03:45
15	A.	Okay.	11:03:45
16	Q.	So I take it from this list, you didn't consider	11:03:46
17		any of the fact testimony of any of the Samsung	11:03:49
18		witnesses in forming the opinions you expressed in your	11:03:52
19		rebuttal report?	11:03:55
20	A.	Not -- not their deposition testimony, no.	11:03:55
21	Q.	And you didn't have any conversations with any	11:03:57
22		of them, did you?	11:04:00
23	A.	I did not, no.	11:04:01
24	Q.	Okay. Now, earlier this morning you -- you --	11:04:02
25		and I'm paraphrasing a bit, but I take it you criticized	11:04:12

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Transcript of Gregory Leonard

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1	Q.	Okay. Sorry about that.	15:13:56
2		(Exhibit 171 was marked for identification	15:13:56
3		and is attached to the transcript.)	15:13:56
4	Q.	Now, Dr. Leonard, I have handed you a document	15:15:11
5		that's been marked as Exhibit 171. It is a -- a	15:15:12
6		redacted version, as understand it, of the expert report	15:15:21
7		that you submitted on behalf of Samsung in the Unwired	15:15:24
8		Planet litigation.	15:15:29
9	A.	Okay.	15:15:30
10	Q.	Does that appear to be right?	15:15:30
11	A.	Seems to be.	15:15:32
12	Q.	Okay. It's your signature on the last page of	15:15:33
13		the exhibit at page 193?	15:15:35
14	A.	Oops. Yes.	15:15:43
15	Q.	If you turn to page 20 and paragraph 27?	15:15:48
16	A.	Okay.	15:15:55
17		[REDACTED]	15:15:55
18		[REDACTED]	15:15:58
19		[REDACTED]	15:16:03
20		[REDACTED]	15:16:07
21		[REDACTED]	15:16:08
22		[REDACTED]	15:16:10
23		[REDACTED]	15:16:18
24		[REDACTED]	15:16:22
25		[REDACTED]	15:16:25

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1	[REDACTED]	15:16:25
2	[REDACTED]	15:16:25
3	[REDACTED]	15:16:27
4	[REDACTED]	15:16:27
5	[REDACTED]	15:16:32
6	[REDACTED]	15:16:36
7	[REDACTED]	15:16:40
8	[REDACTED]	15:16:42
9	[REDACTED]	15:16:42
10	[REDACTED]	15:16:47
11	[REDACTED]	15:16:51
12	[REDACTED]	15:16:53
13	[REDACTED]	15:16:55
14	[REDACTED]	15:16:58
15	[REDACTED]	15:17:03
16	[REDACTED]	15:17:10
17	[REDACTED]	15:17:11
18	[REDACTED]	15:17:13
19	[REDACTED]	15:17:19
20	[REDACTED]	15:17:25
21	[REDACTED]	15:17:27
22	[REDACTED]	15:17:30
23	[REDACTED]	15:17:31
24	[REDACTED]	15:17:36
25	MS. MAROULIS: Objection. Form.	15:17:40

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1	[REDACTED]	15:17:47
2	[REDACTED]	15:17:50
3	[REDACTED]	15:17:54
4	[REDACTED]	15:17:55
5	[REDACTED]	15:17:57
6	[REDACTED]	15:18:00
7	[REDACTED]	15:18:06
8	[REDACTED]	15:18:09
9	[REDACTED]	15:18:13
10	[REDACTED]	15:18:13
11	[REDACTED]	15:18:17
12	[REDACTED]	15:18:23
13	[REDACTED]	15:18:28
14	[REDACTED]	15:18:28
15	[REDACTED]	15:18:28
16	[REDACTED]	15:18:31
17	[REDACTED]	15:18:34
18	[REDACTED]	15:18:37
19	[REDACTED]	15:18:40
20	[REDACTED]	15:18:41
21	[REDACTED]	15:18:45
22	[REDACTED]	15:18:47
23	[REDACTED]	15:18:50
24	[REDACTED]	15:18:53
25	[REDACTED]	15:18:54

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Transcript of Gregory Leonard

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1	[REDACTED]	15:18:59
2	[REDACTED]	15:19:03
3	[REDACTED]	15:19:06
4	[REDACTED]	15:19:09
5	[REDACTED]	15:19:13
6	[REDACTED]	15:19:13
7	[REDACTED]	15:19:21
8	[REDACTED]	15:19:24
9	[REDACTED]	15:19:24
10	[REDACTED]	15:19:25
11	[REDACTED]	15:19:33
12	[REDACTED]	15:19:37
13	[REDACTED]	15:19:43
14	[REDACTED]	15:19:46
15	[REDACTED]	15:19:46
16	[REDACTED]	15:19:51
17	[REDACTED]	15:19:54
18	[REDACTED]	15:19:57
19	[REDACTED]	15:20:01
20	[REDACTED]	15:20:04
21	[REDACTED]	15:20:08
22	[REDACTED]	15:20:14
23	[REDACTED]	15:20:18
24	[REDACTED]	15:20:21
25	[REDACTED]	15:20:24

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1	[REDACTED]	15:20:26
2	[REDACTED]	15:20:30
3	[REDACTED]	15:20:33
4	[REDACTED]	15:20:36
5	[REDACTED]	15:20:38
6	[REDACTED]	15:20:43
7	[REDACTED]	15:20:47
8	[REDACTED]	15:20:55
9	[REDACTED]	15:20:55
10	[REDACTED]	15:20:57
11	[REDACTED]	15:20:58
12	[REDACTED]	15:21:00
13	[REDACTED]	15:21:04
14	[REDACTED]	15:21:07
15	[REDACTED]	15:21:10
16	[REDACTED]	15:21:13
17	Q. Yeah. That's consistent with your recollection	15:21:16
18	of what Judge Birss did in connection with Unwired	15:21:18
19	Planet. That is, he applied the same rate for handsets	15:21:23
20	and infrastructure?	15:21:25
21	A. Without -- I would want to check that. I don't	15:21:28
22	recall as I'm sitting here.	15:21:33
23	[REDACTED]	15:21:35
24	[REDACTED]	15:21:37
25	[REDACTED]	15:21:39

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Transcript of Gregory Leonard

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1	[REDACTED]	15:21:43
2	[REDACTED]	15:21:46
3	[REDACTED]	15:21:47
4	[REDACTED]	15:21:50
5	[REDACTED]	15:21:55
6	[REDACTED]	15:21:57
7	[REDACTED]	15:21:58
8	[REDACTED]	15:22:06
9	[REDACTED]	15:22:08
10	[REDACTED]	15:22:13
11	[REDACTED]	15:22:15
12	[REDACTED]	15:22:19
13	[REDACTED]	15:22:21
14	[REDACTED]	15:22:25
15	[REDACTED]	15:22:30
16	[REDACTED]	15:22:38
17	[REDACTED]	15:22:39
18	(Exhibit 172 was marked for identification	15:22:58
19	and is attached to the transcript.)	15:23:20
20	Q. Dr. Leonard, I've handed you a document that's	15:23:20
21	been marked as --	15:23:24
22	MR. GIARDINA: I think I have screwed up. Could	15:23:26
23	I have it back? I'm going to put a different exhibit	15:23:29
24	number on it.	15:23:32
25	THE WITNESS: Sure.	15:23:33

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ACKNOWLEDGMENT OF DEPONENT

I, GREGORY LEONARD, do hereby acknowledge that I have read and examined the foregoing testimony and the same is a true, correct and complete transcription of the testimony given by me and any corrections appear on the attached errata sheet signed by me.

(SIGNATURE)

(DATE)

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